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SUBJECT: URUGUAY: POST'S RESPONSE TO SPECIAL 301 COMMENT

REF: STATE 8410

¶1. (U) Post shared Croplife America's comment on Uruguay (as part of Special 301 consultations) with appropriate GOU officials, and informed them of the procedures for responding to the association's comment(reftel). Uruguay's competent authorities on this issue are the Ministry of Agriculture, Cattle and Fishing (MGAP) and the Ministry of Public Health.

¶2. (SBU) The National Industrial Property Director at the Ministry of Industry, Cristina Dartayete, told us the GOU began to discuss data protection in depth a couple of years ago -- in the context of potential free trade discussions at the time -- and the GOU is willing to implement articles 39.2 and 39.3 of TRIPS. However, in our discussions with GOU officials and top IPR experts, we confirmed that Uruguay has no data protection law in place. Dartayete also commented that passing a data protection law would be difficult, since its enforcement would require a significant upgrade of oversight offices in both ministries, something the GOU does not have the budget for.

¶3. (SBU) National Patent Director Jose Villamil(also at the Ministry of Industry) told us the MGAP started focusing on data protection in early 2008 and that it is well aware of CropLife's concerns. Villamil admitted that data protection regulation in Uruguay is "modest." The MGAP is working towards upgrading its regulations.

MATTHEWMAN